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10/729,136

12/05/2003

Kunani Nihipali

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06/30/2006

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EXAMINER

GIBSON, KESHIA L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,136

Applicant(s)

NIHIPALI, KUNANI

Examiner

Keshia Gibson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-16, 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Allowable Subject Matter

2. The indicated allowability of claims 15-16 and 18-20 is withdrawn in view of the newly discovered reference(s) to Hammond and Morita (JP 2002238504). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 15-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond in view of Morita (JP 2002238504) in further view of Campbell (US 1,452,907).

In regard to Claims 15-16, Hammond discloses a method of preparing a body for burial comprising boiling the body until the flesh falls away from the bones but does not disclose an apparatus for doing so (page 2, paragraphs 1-2). One of ordinary skill in the art would have recognized that boiling and steaming for use in methods of separating flesh from bone, as supported by Morita et al (translation: whole document, especially [0008]). Campbell discloses a method and an apparatus for steaming (boiling) foods, including meats. The method comprises providing a vessel B with a door A for entry and exit of the food, a placing the food on a tray K, and injecting steam through a plurality of steam ports (two steam inlets) within the vessel to steam the food (Fig. 1, lines 37-41 and 71-84). Campbell discloses that the steam ports connected to steam pipes that run through the cabinet but do not expressly disclose that the steam is further provided in the form of a plurality of steam jets. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of steam jets lining the interior of the vessel since it is known to introducing steam into a cooking or other steam environment using jets, which allows for rapid heating of contents within apparatus, as supported by Houfek (US 3,951,131, column 1, lines 10-26), Kozinczuk (US 3,769,958), and Maniscalco (US 3,774,008).

Campbell does not expressly disclose that tray is slidable and supported by a plurality of rollers. However, it would have been obvious to one of ordinary skill in the art to modify

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the tray of Gardner to comprise rollers, since it is known within the art to provide a slidable tray with rollers to increase ease of moving the tray and food into and out of a vessel, as supported by Kitten (US 5,481,964, whole document, especially Figs., abstract, column 1, lines 40-60) and Bentulan (US 6,681,759, column 1, lines 30-43).

In regard to Claim 18, the tray K is made of a mesh wiring having openings through which the tissue of the body falls upon separation from the bone structure (lines 42-63).

In regard to Claim 19, the vessel further comprises a funnel portion F for channeling tissue after falling through the mesh tray and a container for collecting the tissue (lines 42-63).

In regard to Claim 20, the steam injected into the vessel is to maintain the moisture of the contents contained within it (lines 9-14).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gardner (US 4,781,174), Yoshida et al. (JP 10-103627), Weiss-Krejci (Restless Corpses: 'Secondary burial' in the Babenburg and Habsburg dynasties), The Statesman ("Macabre Delight").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Keshia Gibson
Examiner
Art Unit 3761

klg 6/16/06

TATYANA ZALUKAEVA
SUPERVISORY PREREVIEW EXAMINER

